

# Order

Michigan Supreme Court  
Lansing, Michigan

September 23, 2015

Robert P. Young, Jr.,  
Chief Justice

ADM File No. 2014-49

Stephen J. Markman

Mary Beth Kelly

Brian K. Zahra

Bridget M. McCormack

David F. Viviano

Richard H. Bernstein,  
Justices

Retention of Amendments of Rules 3.903,  
3.920, 3.961, and 3.965 and Additional  
Amendment of Rule 3.961 of  
the Michigan Court Rules

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By order dated March 25, 2015, the Court adopted an order amending MCR 3.903, 3.920, 3.961, and 3.965, effective March 25, 2015. Notice and an opportunity for public comment having been provided, the amendments of these rules are retained.

On further order of the Court, effective immediately, the Court adopts an additional amendment of MCR 3.961(C)(3), as indicated in underlining below.

Rule 3.961 Initiating Child Protective Proceedings

(A)-(B)[Unchanged.]

(C) Amended and Supplemental Petitions.

(1)-(2)[Unchanged.]

- (3) If either an amended or supplemental petition is not accompanied by a request for placement of the child or the child is not in protective or temporary custody, the court shall conduct a preliminary inquiry to determine the appropriate action to be taken on a petition. If either the amended or supplemental petition contains a request for removal, the court shall conduct a preliminary hearing to determine the appropriate action to be taken on the petition consistent with MCR 3.965(B). If either the amended or supplemental petition is authorized, the court shall proceed against each respondent parent in accordance with MCR 3.971 or MCR 3.972.

*Staff Comment:* The Court retained the amendments of MCR 3.903, 3.920, 3.961, and 3.965 that became effective on March 25, 2015, and were prompted by the Michigan

Supreme Court's decision in *In re Sanders*, 495 Mich 394 (2014), to provide clarification and procedural provisions with regard to a nonrespondent parent and adjudication that is consistent with the Court's holding. The Court further amended MCR 3.961(C)(3), effective immediately, to require the court to proceed against each respondent parent in accordance with MCR 3.971 or MCR 3.972 if *either* the amended *or supplemental* petition is authorized.

The staff comment is not an authoritative construction by the Court. In addition, adoption of a new rule or amendment in no way reflects a substantive determination by this Court.



I, Larry S. Royster, Clerk of the Michigan Supreme Court, certify that the foregoing is a true and complete copy of the order entered at the direction of the Court.

September 23, 2015

A handwritten signature in black ink, appearing to read "Larry S. Royster", is written over a horizontal line.

Clerk